

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 63-92, 94-99, 101, and 125-141 are pending in the present application, Claims 63, 78, 95-99 having been amended, Claims 125-141 having been added; Claims 93, 100, and 102-124 having been canceled without prejudice or disclaimer, and Claims 68-71, 75-77, 83-86, 89-91, and 94-99 having been withdrawn. Support for the present amendment is believed to be self-evident from the originally filed specification.¹ Applicant respectfully submits that no new matter is added.

In the outstanding Office Action, the title was objected to; Claims 63-65, 67, 72-74, and 100 were rejected under 35 U.S.C. §102(b) as anticipated by Pizzi (EP 1026536); Claim 66 was rejected under 35 U.S.C. §103(a) as obvious over Pizzi in view of Clark et al. (U.S. Patent No. 6,384,952, hereinafter Clark); Claims 78, 79, 80, 82, 87, 88, and 92 were rejected under 35 U.S.C. §103(a) as obvious over Pizzi in view of Fleming (US. Patent No. 5,867,302); Claim 81 was rejected under 35 U.S.C. §103(a) as obvious over Pizzi in view of Fleming, and further in view of Clark; and Claim 101 was rejected under 35 U.S.C. §103(a) as obvious over Pizzi in view of Fleming.

As an initial matter, it is noted that the subject matter of previously withdrawn Claim 93 is now included in amended Claims 63 and 78. This embodiment is supported by Applicant's Fig. 9. With respect to Figs. 9A-9C, Applicant's specification states "the actuator is similar to the actuator in Figure 1A, the load then being an electrical contact." Fig. 1A is part of the elected embodiment. Since the embodiment of Fig. 9 and the elected embodiment are similar (although patentably distinct), Applicant requests that this

¹ See, for example, previously presented Claim 93, Applicant's Fig. 9, pages 22-25 of the originally filed specification.

amendment be entered since it is not believed to create a substantial burden. Accordingly, the election requirement should be reconsidered or modified.

With respect to the objection to the title, a new title is provided in accordance with the suggestion provided by page 2 of the Office Action. Thus, this ground of rejection is overcome.

Applicant respectfully submits that amended Claim 63 patentably distinguishes over Pizzi. Amended Claim 63 recites “an electrical contact element fixed on the mobile part,” and that the mobile electrode “thereby [moves] the electrical contact from a high position to a low position.” Pizzi does not disclose or suggest at least this feature of amended Claim 63.

Pizzi describes an oscillating mirror device.² A mirror 6 is on top of surface film 5, wherein the mirror 6 is moved as shown in Figs. 1-3. However, the mirror in Pizzi is not an electrical contact. Thus, Pizzi does not disclose at least the claimed “an electrical contact element fixed on the mobile part,” and that the mobile electrode “thereby [moves] the electrical contact from a high position to a low position.”

Clark does not cure the above-noted deficiencies in Pizzi. Clark describes a deformable mirror. However, the mirror in Clark is not an electrical contact. Thus, Clark does not disclose at least the claimed “an electrical contact element fixed on the mobile part,” and that the mobile electrode “thereby [moves] the electrical contact from a high position to a low position.”

Fleming does not cure the above-noted deficiencies in Pizzi. Fleming describes a MEM actuator. Figs. 5a-5f of Fleming describe how mirrors can be supported on membrane 14. However, the mirrors in Fleming are not an electrical contact. Thus, Fleming does not disclose at least the claimed “an electrical contact element fixed on the mobile part,” and that

² Pizzi, paragraph [0001].

the mobile electrode “thereby [moves] the electrical contact from a high position to a low position.”

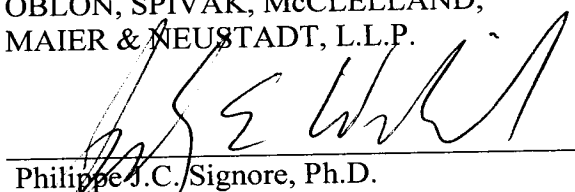
Since Pizzi, Clark, and Fleming do not disclose the above-noted features of Claim 63, Applicant respectfully submits that a person of ordinary skill in the art could not properly combine these references to arrive at the invention defined by Claim 63.

In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 63 (and any claims dependent thereon) patentably distinguishes over Pizzi, Clark, and Fleming, when taken in proper combination. Claim 78 recites features analogous to those of Claim 63. Applicant respectfully submits that amended Claim 78 (and any claims dependent thereon) patentably distinguishes over Pizzi, Clark, and Fleming, when taken in proper combination, for at least the reasons stated for Claim 63.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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